

**Adams, Hope**

---

**From:** Butler, David  
**Sent:** Friday, February 12, 2021 9:36 AM  
**To:** Rebecca J. Dulin; Heather Smith; Grube-Lybarker, Carri; Hall, Roger; a111e1x@yahoo.com; Knowles, Alex; Katie Brown; Samuel Wellborn; fellerbe@robinsongray.com  
**Cc:** PSC\_Contact  
**Subject:** Commission Directive of February 3, 2021- Docket No. 2020-218-E - Kadoshnikov v. Duke

To the Parties:

Good morning. As you all may know by now, I have been appointed Hearing Officer in this Docket to aid the Commission by working with the parties on procedural matters in the Docket.

First, I wanted to correct one particular misunderstanding for the Complainant. His direct testimony has not been stricken at this point in the case, although the Motion to Strike by Duke is still pending. This Hearing Officer cannot provide legal advice to any party. The parties are well served in many cases by being represented by counsel who can answer legal questions, as are some parties in this case. However, I would point out that, for procedural matters, the Commission has developed a Pro Se Litigants Guide that may be found on the Commission's website. This guide answers many of the common questions that come up for an individual representing themselves in a case before the Commission. In any case, the Motion to Strike the Complainant's testimony is still pending, and a decision is yet to be made on it. I would note that Duke has pointed out what the Company believes are deficiencies with the testimony, and the Complainant has filed a response, all of which will be addressed at a later time, if necessary.

For the present, however, I wanted to explore one pathway that would seem to solve the problem stated in the Complaint, if accepted by the Complainant. Duke had stated in its Petition for Reconsideration of December 31, 2020 that it is feasible to relocate the Complainant's meter. The Petition for Reconsideration noted that this option was offered to the Complainant, but that the option was rejected by him.

Having stated these principles, I would ask two questions of the parties:

- 1) Does Duke still believe that it is feasible to relocate Mr. Kadoshnikov's meter?
- 2) If this is still feasible, would Mr. Kadoshnikov be amenable to this solution?

Duke and the Complainant should further discuss this option, if appropriate.

If, after conferring if necessary, the answers to both questions are in the affirmative, then it would appear that the complaint could be resolved, without further proceedings at the Commission. I would ask that the parties further consider this matter, and answer these questions and direct a response to this Hearing Officer (with copies to all parties) on or before Monday, March 1, 2021.

If the parties cannot reach agreement, then the Complaint matter must continue before the Commission. I would note that this Complaint action has so far not yielded any solutions for any of the parties, and the procedural matters, such as the Motion to Strike must be still be dealt with. The results of the decision on this Motion may not be satisfactory to one or more of the parties. If the matter is still viable after the ruling on the Motion to Strike, the Commission could certainly hold a hearing. However, the result of such hearing would be, of course, unknown at this point. If the parties could settle the matter as described, an agreement may be reached that could yield satisfactory results to both sides in a timely manner. I would ask the Parties to consider these matters very carefully. I would point out that, as many of you know, I cannot by law discuss this matter as Hearing Officer with just one of the parties in the absence of the other parties. If it is deemed helpful, I can hold a telephone conference call at the convenience of all parties, if so requested. Thank you for your consideration in these matters.

Regards,

David Butler  
Chief Hearing Officer